

## Social Security Administration

## § 416.932

or if you are a child, on your ability to function independently, appropriately, and effectively in an age-appropriate manner. (See §§ 416.945 and 416.924a through 416.924d.)

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EFFECTIVE DATE NOTE 2: At 62 FR 13538, Mar. 21, 1997, § 416.929 was amended by correcting the heading to paragraph (c), effective Apr. 14, 1997. For the convenience of the user, the superseded text is set forth as follows:

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(c) *Evaluating the intensity and persistence of your symptoms, such as pain, and determining the extent to which your symptoms limit your capacity for work or for functioning in an age-appropriate manner.* \* \* \*

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### **§ 416.930 Need to follow prescribed treatment.**

(a) *What treatment you must follow.* In order to get benefits, you must follow treatment prescribed by your physician if this treatment can restore your ability to work, or, if you are a child, if the treatment can reduce your functional limitations so that they are no longer marked and severe.

(b) *When you do not follow prescribed treatment.* If you do not follow the prescribed treatment without a good reason, we will not find you disabled or blind or, if you are already receiving benefits, we will stop paying you benefits.

(c) *Acceptable reasons for failure to follow prescribed treatment.* We will consider your physical, mental, educational, and linguistic limitations (including any lack of facility with the English language) when determining if you have an acceptable reason for failure to follow prescribed treatment. The following are examples of a good reason for not following treatment:

(1) The specific medical treatment is contrary to the established teaching and tenets of your religion.

(2) The prescribed treatment would be cataract surgery for one eye when there is an impairment of the other eye resulting in a severe loss of vision and is not subject to improvement through treatment.

(3) Surgery was previously performed with unsuccessful results and the same surgery is again being recommended for the same impairment.

(4) The treatment because of its enormity (e.g. open heart surgery), unusual nature (e.g., organ transplant), or other reason is very risky for you; or

(5) The treatment involves amputation of an extremity, or a major part of an extremity.

[45 FR 55621, Aug. 20, 1980, as amended at 59 FR 1636, Jan. 12, 1994; 62 FR 6429, Feb. 11, 1997]

EFFECTIVE DATE NOTE: At 62 FR 6429, Feb. 11, 1997, in § 416.930, paragraph (a) was revised, effective Apr. 14, 1997. For the convenience of the user, the superseded text is set forth as follows:

### **§ 416.930 Need to follow prescribed treatment.**

(a) *What treatment you must follow.* In order to get benefits, you must follow treatment prescribed by your physician if this treatment can restore your ability to work.

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## **PRESUMPTIVE DISABILITY AND BLINDNESS**

### **§ 416.931 The meaning of presumptive disability or presumptive blindness.**

If you are applying for supplemental security income benefits on the basis of disability or blindness, we may pay you benefits before we make a formal finding of whether or not you are disabled or blind. In order to receive these payments, we must find that you are presumptively disabled or presumptively blind. You must also meet all other eligibility requirements for supplemental security income benefits. We may make these payments to you for a period not longer than 6 months. These payments will not be considered overpayments if we later find that you are not disabled or blind.

[45 FR 55621, Aug. 20, 1980, as amended at 57 FR 53853, Nov. 13, 1992]

### **§ 416.932 When presumptive payments begin and end.**

We may make payments to you on the basis of presumptive disability or presumptive blindness before we make a formal determination about your disability or blindness. The payments can